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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2007 OCT 18 AM 9:43
CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Ramon MARTINEZ-Villegas,** Defendant	Magistrate Docket No. '07 MJ 2486 COMPLAINT FOR ~~VIOLATION OF~~: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **October 16, 2007** within the Southern District of California, defendant, **Ramon MARTINEZ-Villegas,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18th** DAY OF **OCTOBER, 2007**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

JPME

CONTINUATION OF COMPLAINT:
Ramon MARTINEZ-Villegas

PROBABLE CAUSE STATEMENT

On October 16, 2007, at approximately 3:00 p.m., Supervisory Patrol Agent S. Gisler was working assigned line watch duties in the Imperial Beach Border Patrol Stations area of operations. Agent Gisler was working in an area known as Border Field State Park, which is located approximately five miles west of the San Ysidro, California Port of Entry and adjacent to the international border between the United States and Mexico. As Agent Gisler drove west on a road commonly referred to as the Horse Trail, he observed three suspected illegal aliens walking up the beach north of the Horse Trail.

Agent Gisler responded to the area and was able to make contact with the three individuals. Agent Gisler identified himself as a Border Patrol Agent, and performed an immigration inspection. All subjects, including one later identified as the defendant **Ramon MARTINEZ-Villegas**, admitted to being citizens and nationals of Mexico not in possession of any immigration documents which would allow them to legally enter or remain in the United States. All three also admitted to me that they had just entered the United States by squeezing through bars on the beach that constitute the border fence. All individuals, including the defendant, were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **April 22, 2006** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico and that he was present in the United States without being in possession of any immigration documents that would allow him to enter or remain this country.

W McCurine Jr.
William McCurine Jr.
United States Magistrate Judge

10/18/07 0929 hrs
Date/Time

James Trombley
Senior Patrol Agent